

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

LAURA V. WHITSITT,

No. C 10-04996 LB

Plaintiff,

ORDER COMPELLING PLAINTIFF'S
ATTENDANCE AT DEPOSITION ON
THURSDAY, AUGUST 9, 2012

v.

COUNTY OF SAN MATEO,

Defendant.

In order to permit Defendant County of San Mateo (the "County") a reasonable opportunity for discovery, the court ordered Plaintiff Laura V. Whitsitt to permit the County to depose her for an additional four hours. *See* 7/5/2012 Order ECF No. 72 at 1.¹ The court also scheduled a further case management conference for Thursday, August 9, 2012. *Id.* at 4. On July 25, 2012, the court ordered Whitsitt to attend the August 9, 2012 case management conference in person, in part to discuss her opposition to her attorney's motion to withdraw. *See* ECF No. 76 at 3. On July 26, 2012, Whitsitt sent the court an e-mail message (personally as opposed to through her lawyer) confirming that she would attend the case management conference and asking the court to postpone her August 6, 2012 deposition. *See* Docket at 7/31/2012 Clerks Notice. The court denied Whitsitt's request. *Id.*

On August 3, 2012, the parties filed a Joint Case Management Conference Statement ("CMC Statement") that informed the court on the status of the additional deposition. ECF No. 80.

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page numbers at the top of the document, not the page numbers at the bottom.

1 According to the CMC Statement, after unsuccessfully attempting to contact Plaintiff's counsel to
2 schedule Whitsitt's deposition, the County noticed Whitsitt's deposition for Monday, August 6th.
3 *Id.* at 2. Plaintiff's counsel subsequently informed the County that Whitsitt was not available on
4 August 6th and did not want to appear for deposition until her attorney's pending motion to
5 withdraw was decided. *Id.* Whitsitt confirmed that she is available for deposition on August 29, 30,
6 or 31. *Id.* The County indicated that they intended to proceed with the deposition on Monday and
7 would move for sanctions if Whitsitt failed to appear. *Id.*

8 Given the pending trial dates, the court agrees that Whitsitt's alternate deposition dates are too
9 late. In order to preserve the parties' time and resources, the court excuses Whitsitt from attending
10 the deposition currently scheduled for Monday, August 6th, 2012. Because Whitsitt is available on
11 Thursday, August 9th, 2012, the court ORDERS her to appear for deposition then. The deposition
12 will be held in the court's jury room on the 15th floor of Phillip Burton Federal Building, 450
13 Golden Gate Avenue, San Francisco, California. The deposition will begin at 8:30 a.m. and proceed
14 according to the terms in the court's July 25, 2012 Order. The court will interrupt the deposition for
15 the Case Management Conference and Motion Hearing previously scheduled but that time will not
16 count as part of the County's four hours.

17 **IT IS SO ORDERED.**

18 Dated: August 4, 2012



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20 LAUREL BEELER
United States Magistrate Judge